

COPY

IN THE MATTER OF:

John Doe HM
vs.
City of Creve Coeur, et al.

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COUNTY COUNSELOR

Cause No. 4:07-CV-00946-ERW

Deposition of Shawn Hibbard
5/4/2009

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EXHIBIT

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1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF MISSOURI
3 EASTERN DIVISION
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6

7 JOHN DOE HM, AN INDIVIDUAL,

8
9 Plaintiff,

10
11 vs.

No. 4:07-CV-00946-ERW

12
13 CITY OF CREVE COEUR, ET AL.,

14
15 Defendants.
16
17

18 Deposition of SHAWN EDWARD HIBBARD, taken
19 on behalf of the Defendants at the County Government
20 Center, 41 South Central, 9th Floor, in the County of
21 St. Louis, State of Missouri, on the 4th day of May,
22 2009, before Christopher C. Wieggers, MO-CCR #848.
23
24
25

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1 SHAWN EDWARD HIBBARD,

2
3 Of lawful age, having been first duly sworn to
4 testify the truth, the whole truth, and nothing but
5 the truth in the case aforesaid, deposes and says in
6 reply to oral interrogatories propounded as follows:

7 EXAMINATION

8 BY MS. VON KAENEL:

9 Q: Mr. Hibbard, would you prefer Mr. Hibbard
10 or Shawn or --

11 A: Shawn is fine.

12 Q: Okay. I don't want to be disrespectful.

13 A: That's fine.

14 Q: The court reporter is going to take down
15 your testimony today. What I need you -- what we all
16 need you to do is to speak clearly. Answer yes and
17 no rather than uh-huh or uh-uh, because he's trying
18 to take down words, of course. And then I'll let you
19 finish your answers, and you have to let me finish my
20 questions, because he has to take down all of our
21 testimony. And the same will take place with respect
22 to the phone questions. It's going to be a little
23 harder on the phone, but we'll try to work it out.

24 Is there anything -- any kind of
25 medication you're taking or anything else that would

1 prevent you from giving truthful testimony today?

2 A: No.

3 Q: Okay. Have you ever given a deposition
4 before?

5 A: No.

6 Q: So this is your first?

7 A: Yes.

8 Q: Okay. It will go pretty easy. It's just
9 questions and answers. If you don't understand
10 something that I say or you want me to repeat
11 something or elaborate on it, I'll be happy to do
12 so. You just have to stop me and I'll do it. Okay?

13 A: Okay.

14 Q: Will you please put your full name on the
15 record?

16 A: Shawn Edward Hibbard.

17 Q: And where do you live, Mr. Hibbard?

18 A: 11710 Fawn Ridge Drive, Des Peres,
19 Missouri.

20 Q: Do you live at home alone or do you live
21 with someone?

22 A: I just moved home with my parents.

23 Q: What are their names?

24 A: Paul and Cindy.

25 Q: Same last name?

1 A: Yes, Hibbard.

2 Q: Okay. And what do you do for a living,
3 sir?

4 A: I work for Ultimate Acquisition Partners.

5 Q: What do you do with them?

6 A: Sales.

7 Q: And what kind of products do you sell?

8 A: Home electronics.

9 Q: And what's the highest you've achieved in
10 education?

11 A: Associate's.

12 Q: Where did you get that?

13 A: Actually, it's not technically my
14 Associate's. I have more hours than I need for an
15 Associate's, but I actually don't have my Associate's
16 degree.

17 Q: Where did you get that?

18 A: Meramec Community College.

19 Q: What degree was that, sir?

20 A: It was just gen ed.

21 Q: All right. Tell me, are you -- you are
22 related to the plaintiff in this case, John Doe HM,
23 is that right?

24 A: Yes.

25 Q: How are you related to him?

1 A: He's my uncle.

2 Q: And he is -- he is your uncle on whose
3 side? Your mother's side or your father's side?

4 A: My mother's side.

5 Q: And that would be Cindy Hibbard?

6 A: Correct.

7 MS. RANGLES: Hey Lorena, we've gotten
8 that much information concerning his relationship to
9 the plaintiff. I would suggest that his name also be
10 Shawn Doe.

11 MS. VON KAENEL: well -- I, mean, we can
12 talk about it. I don't really see the importance
13 because I know it's about keeping your client's name
14 confidential, and this gentleman has a very different
15 last name than your client.

16 MS. RANGLES: Yeah, but we just
17 established enough facts that someone could put it
18 together.

19 MS. VON KAENEL: Okay.

20 Q: (By Ms. Von Kaenel) Do you have any
21 brothers and sisters?

22 A: I have a younger sister.

23 Q: Does she live here in St. Louis?

24 A: Yes.

25 Q: Does she live at home with you?

1 A: Yes.

2 Q: Is she attending school now?

3 A: No. She graduated.

4 Q: Okay. And how would you describe your
5 relationship with John Doe HM?

6 A: Probably more like a brother than an
7 uncle.

8 Q: Why is that? Are you close in age?

9 A: Yes.

10 Q: How close in age are you?

11 A: Five years.

12 Q: And do you see him often?

13 A: Yes.

14 Q: How often do you get to see him?

15 A: I mean --

16 Q: Is it once a week?

17 A: I mean -- yeah, it might be four times one
18 week, and then we don't see each other for three or
19 four weeks.

20 Q: Do you talk on the phone often?

21 A: Yeah, a couple times a week.

22 Q: Okay. Would you do me a favor? Would you
23 please tell me what cell phone number you had on
24 12/31/2005?

25 A: I can't. I wish I could. I actually

1 name?

2 A: It should have been in mine.

3 Q: And you spell Shawn S-h-a-w-n?

4 A: Yes.

5 Q: And you spell Hibbard with two Bs?

6 A: Yes.

7 Q: Okay. And where did you live -- do you
8 remember where you lived on 12/31/2005?

9 A: Back home with my parents.

10 Q: Was there a time when you moved away from
11 living with your parents?

12 A: Actually, yes.

13 Q: When was that?

14 A: I'm trying to remember exact dates. For a
15 few months I lived in Bonhomme Village, and that
16 would have been just prior to the incidents.

17 Q: So just before 12/31/2005?

18 A: I believe I moved out of there in
19 September. I can't be positive, but it was a couple
20 of months prior.

21 Q: Okay. And then you moved home with your
22 parents after that?

23 A: Yes.

24 Q: And then did you have -- was there an
25 occasion where you moved out after 12/31/2005?

1 A: I'm trying to think when all that was --

2 Q: I know it's a long time.

3 A: I've mostly lived with my parents, but for
4 a while I was living in the apartment on Bonhomme,
5 and then I was living with a buddy of mine, Matt,
6 while I was doing some construction work.

7 Q: Would this have been -- if you remember,
8 would this have been after the incidents?

9 A: Yes.

10 Q: Otherwise, other than living in Bonhomme
11 and living with your friend, Matt, you've lived at
12 home with your parents?

13 A: Yes.

14 Q: Did your parents -- have they had that
15 same land line?

16 A: Yes.

17 Q: What number is that?

18 A: (314) 822-1032.

19 Q: And is that in your parents' name?

20 A: Yes.

21 Q: Is it in both Cindy and Paul Hibbard's
22 name or just one of them?

23 A: I don't know.

24 Q: Are you -- so we talked about how --
25 briefly what your relationship is with John Doe HM.

1 Did you two talk about his sexual abuse lawsuit? Did
2 you know about his sexual abuse lawsuit?

3 A: No.

4 Q: Did you know about the sexual abuse he
5 underwent as a child?

6 A: No.

7 Q: He didn't talk to you about that?

8 A: No.

9 Q: So he didn't talk to you about the sexual
10 abuse, is that right?

11 A: That's correct.

12 Q: And he didn't talk to you about the sexual
13 abuse lawsuit he had when he was a victim?

14 A: He never ever told me anything about it.

15 Q: Okay. Did he talk to you about his
16 separation from his wife?

17 A: Yes.

18 Q: Do you know when that occurred?

19 A: No. Not date-wise.

20 Q: Do you know roughly when they separated?

21 A: I really don't.

22 Q: What did he tell you about the separation
23 from his wife?

24 A: Really that it was just best for everyone
25 at that given point in time.

1 Q: That's all he said about the separation?

2 A: Yes.

3 Q: Did he talk to you about his divorce from
4 his wife?

5 A: Vaguely.

6 Q: What did he say about that, sir?

7 A: Just that they were contemplating it.

8 Q: Did you know that they filed?

9 A: I did not.

10 Q: Okay. And did you know his -- did you
11 know his girlfriend, Crystal Marshal?

12 A: Yes.

13 Q: How do you know her?

14 A: Through John Doe HM.

15 Q: When did you meet her?

16 A: I don't have an exact date for you. I
17 couldn't tell you.

18 Q: Well, was it prior to 12/31/2005?

19 A: Yes.

20 Q: Was it a like a year before or less or
21 more, if you can remember?

22 A: I don't know. Eight months, maybe. I
23 honestly couldn't really give you an exact time
24 frame.

25 Q: And what did you -- did you meet her in

1 person?

2 A: Yes.

3 Q: And did you do things with them?

4 A: Yes.

5 Q: What kind of things did you do with them?

6 A: We would -- we went and saw bands
7 together.

8 Q: What do you mean by that? Like concert
9 bands?

10 A: Yeah, concert bands.

11 Q: Like rock-n-roll bands?

12 A: Well, cover bands at like West Port
13 Plaza. We did barbecues, things like that.

14 Q: Did you go out to dinner?

15 A: Yeah, we had dinner a few times.

16 Q: So before 12/31/2005, you had a few
17 dinners, you went to barbecues, and you saw some
18 cover bands at West Port Plaza. Anything else you
19 guys did together?

20 A: Maybe we did, but I -- as far as I can
21 remember, those are just the few things that stick
22 out.

23 Q: So were there other times that you just
24 hung out socially?

25 A: Yeah. That was the whole barbecue thing,

1 that type of stuff.

2 Q: Did you know her son?

3 A: Yes.

4 Q: How did you know her son?

5 A: I just met him from her and him being
6 around.

7 Q: Okay.

8 A: Obviously she's going to bring her child
9 where she goes.

10 Q: How would you describe John Doe HM and
11 Crystal Marshal's relationship?

12 A: I mean, pretty basic relationship.

13 Q: What does that mean, sir, to you?

14 A: I mean, it was just a relationship. They
15 were together most of the time. They weren't, you
16 know, having to be responsible for their lives,
17 obviously their jobs, things like that. They seemed
18 to get along pretty well. I mean, I never really --
19 I've never seen them really argue or anything like
20 that. I mean, John Doe HM is not really the
21 argumentive type. They seemed to be decent, I
22 guess.

23 Q: Would you describe them as in love?

24 A: In lust, maybe, to be honest with you.

25 Q: Fair enough. It's your description, sir.

1 Did you have -- did you ever talk to her
2 on the phone?

3 A: Yes.

4 Q: Did you ever call her?

5 A: I think I have, yeah.

6 Q: Did she ever call you?

7 A: Yes.

8 Q: Did you talk -- did you and Crystal
9 Marshal talk often?

10 A: No, not -- unless it was in regards to
11 John Doe HM, we didn't speak.

12 Q: What were you doing at the time, sir,
13 around 12/31 of '05? What was your profession at
14 that time?

15 A: I want to say that's when I was in the
16 carpenter's union, I believe, but I cannot be
17 positive about that. I've had many jobs.

18 Q: Okay. And did John Doe HM talk to you
19 about going to a psychiatrist?

20 A: About me going?

21 Q: No. I'm sorry. Did John Doe HM talk to
22 you about his going to a psychiatrist?

23 A: No.

24 Q: Did John Doe HM talk to you about being on
25 Zoloft?

1 A: No.

2 Q: Did he talk to you about an affair he had
3 with a Becky?

4 A: No.

5 MS. RANGLES: I object. That
6 mischaracterizes prior testimony.

7 Q: (By Ms. Von Kaenel) And your answer was
8 no, sir?

9 A: Yeah. I've never heard of Becky.

10 Q: Did he talk to you about a relationship he
11 had with Grace Jones?

12 A: No.

13 MS. RANGLES: Same objection.

14 Q: (By Ms. Von Kaenel) What was your
15 understanding of John Doe HM's relationship with his
16 mother?

17 A: What was my understanding of it?

18 Q: Yes. Was he close to her? How would you
19 describe that relationship?

20 A: Well, she passed away when he was very
21 young, so unfortunately he probably didn't get a
22 chance to establish much of a relationship with his
23 mom.

24 Q: Well, is that what he told you?

25 A: No. That's my -- you know, that's my

1 assumption.

2 Q: What did he tell you about his mother?

3 A: He didn't really tell me anything.

4 Q: So you guys didn't talk about that?

5 A: No.

6 Q: Do you know what Castle Ranch is?

7 A: No.

8 Q: Did John Doe HM ever talk about Castle
9 Ranch?

10 A: I don't believe so.

11 Q: Did he ever talk to you about Our Lady of
12 Snows?

13 A: The Shrine?

14 Q: Yes.

15 A: Yes.

16 Q: What did he say about that?

17 A: Well, we would just talk about it because
18 that's where we would spend our Christmases.

19 Q: What do you mean you would spend your
20 Christmases?

21 A: That's where we all had family Christmas
22 together. That's where we all had dinner.

23 Q: When did you do that?

24 A: I was very young. Probably every year.
25 Regrettably, every year.

1 Q: Why is that?

2 A: It was -- the food was terrible. That was
3 until I was probably, I want to say, 10 or 11,
4 something like that. I can't be sure.

5 Q: Until you were 10 or 11?

6 A: Correct.

7 Q: What part of the family would go to Our
8 Lady of Snows?

9 A: Just John Doe HM's side, my mother's
10 side. And then obviously their spouses.

11 Q: Would it be family members from out of
12 town that would come in for that?

13 A: Yeah, sometimes if they could, I'm sure.

14 Q: Would it be your mother's father or John
15 Doe HM's father would come?

16 A: Well, sure. It was his idea.

17 Q: It was the father's idea?

18 A: Yeah. He loved the place.

19 Q: What is his name, sir?

20 A: Ed.

21 Q: So Ed Doe?

22 A: Yes.

23 Q: So it was his idea to have Christmas
24 dinners there?

25 A: Yes.

1 Q: To your mind, they ended when you were
2 about 11?

3 A: Yeah, as far as I can remember.

4 Q: Do you know why they ended?

5 A: I couldn't tell you. Probably because the
6 food's terrible.

7 Q: Where did you have Christmas dinners after
8 that?

9 A: It was just -- it just depends. A lot of
10 them actually would end up at my parents' house. We
11 typically host a lot of the Christmases.

12 Q: Did you host the Christmas of 12/25/2005,
13 do you know?

14 A: Yes.

15 Q: Who was there?

16 A: I mean, just family.

17 Q: Well, could you tell me who they are? Can
18 you identify your family for me that was there?

19 A: Obviously my mom, my dad, me, my sister,
20 and the Jacksons were there.

21 Q: Is that Sharon Jackson?

22 A: Yes.

23 Q: What's her husband's name?

24 A: Tom.

25 Q: Was John Doe HM there?

1 A: I'm trying to remember. I don't think
2 that he was.

3 Q: Okay. It may sound like a different
4 question, but was Crystal Marshal there?

5 A: I don't recall.

6 Q: Okay. Was your mother's brother, Mark Doe
7 there?

8 A: No.

9 Q: Where does he live?

10 A: At the time or now?

11 Q: At the time, sir.

12 A: Scottsdale, Arizona. That's why I know he
13 wasn't there, because I left the next day to go out
14 there.

15 Q: Meaning you left on 12/26/05?

16 A: Yes.

17 Q: Why did you go to Scottsdale?

18 A: Just to visit.

19 Q: Anything particular or just a regular
20 social visit?

21 A: Well, it was kind of -- my grandfather was
22 out there. Mark's out there. Shelly and Jerry were
23 out there. Their family's out there. I hadn't seen
24 them in a while. It was one of the things that I
25 wanted to do as far as Christmas. So I went out

1 there to get away and to visit them.

2 Q: Okay. Was Michael Doe at that Christmas
3 on 12/25/2005, do you remember?

4 A: I don't remember if that was the one or
5 not.

6 Q: Do you know where he lived at that time?

7 A: Seattle.

8 Q: Does he still live there, sir?

9 A: Yes.

10 Q: What is Mark Doe's wife's name?

11 A: He is not married.

12 Q: He's not married?

13 A: No.

14 Q: And what is Michael Doe's wife's name?

15 A: Mona.

16 Q: Prior to that Christmas of 12/25/05, was
17 John Doe HM and Crystal Marshal still together, as
18 far as you knew?

19 A: As far as I knew, yes.

20 Q: Is there a time that you know -- At the
21 time -- was there a time after that Christmas that
22 they had broken up?

23 A: I'm sorry?

24 Q: I'm sorry if that's confusing. After
25 12/25/2005, did you come to know if they broke up or

1 not?

2 A: At any date in time after --

3 Q: Well, just after that. Is there any time
4 after that. The next time after 12/25/2005.

5 A: Well, sure. I mean, they're not together
6 now.

7 Q: I understand. After that Christmas -- did
8 they break up after that Christmas some time?

9 A: Sure.

10 Q: When was that?

11 A: I don't know.

12 Q: Okay. I'm going to take your attention to
13 12/31/05. Did you come to know on that date that
14 John Doe HM was taken to St. Anthony's? Is that what
15 you associate 12/31/05 with, that he went to
16 St. Anthony's?

17 A: Yeah. I mean, I was aware of it after the
18 fact.

19 Q: Okay. Tell me what you were aware -- what
20 was the first thing in relation to -- if you can
21 remember on that date, 12/31/05. So it's New Year's
22 Eve. What was your first contact with John Doe HM or
23 about John Doe HM that day, if you remember?

24 A: Well, the first thing, which, I guess
25 put -- that pretty much put everything in motion that

1 day was a discussion with Crystal about John Doe HM
2 being suicidal.

3 Q: And I'm going to stop you there. Are you
4 in St. Louis at the time or are you still in Arizona?

5 A: I'm in Arizona.

6 Q: Okay. And is that a discussion you have
7 with her?

8 A: It was on the telephone.

9 Q: But it's a discussion you had with her?

10 A: Correct.

11 Q: And who called whom?

12 A: I want to say that she called me looking
13 for John Doe HM, but I cannot be 100 percent positive
14 on that.

15 Q: Do you know why she would have called you
16 looking for John Doe HM?

17 A: I remember her being upset.

18 Q: What did she say that made you think she
19 was upset?

20 A: Well, I could just hear it in her voice.
21 She was looking for him. She was trying to find
22 where he was. Obviously she didn't know that I was
23 in Arizona because she was wondering if I was with
24 him. When the conversation unfolded, she basically
25 explained to me that he's -- he was going to hurt

1 himself.

2 Q: And this is all taking place in one
3 conversation?

4 A: Yes.

5 Q: Okay. And what did she say about that?

6 A: I mean, basically -- I mean, in a
7 nutshell, that he's suicidal.

8 Q: I understand the nutshell, but can you
9 give me some -- can you elaborate a little bit more
10 on that, sir?

11 A: Well, she explained to me that she had a
12 note in reference to ending his life.

13 Q: And she sounded worried?

14 A: She sounded pretty distressed.

15 Q: Was she crying?

16 A: I don't know that for sure.

17 Q: Okay. What else did she say about John
18 Doe HM or the suicide or the note?

19 A: I really -- that's the biggest thing that
20 really stuck out. That's really what -- obviously
21 that's kind of a big deal. I mean, that's pretty
22 much what I remember more than anything. I'm sure
23 there was a lot of other -- I couldn't even tell
24 you.

25 Q: Had you gotten any phone calls prior to

1 this phone call with Crystal Marshal from any of your
2 family members regarding John Doe HM?

3 A: No.

4 Q: And did you talk to anybody in Arizona
5 while you were there about John Doe HM that day
6 before this phone call?

7 A: Before the phone call?

8 Q: Yes, sir.

9 A: No.

10 Q: Did you talk to your mother before this
11 phone call?

12 A: Not about John Doe HM.

13 Q: What did you talk to your mother about?

14 A: Arizona's fun. I mean, nothing pertaining
15 to John Doe HM or any type of --

16 Q: Or Crystal?

17 A: Right. Exactly.

18 Q: So the first call you had that has to do
19 with John Doe HM is this phone call you get from
20 Crystal Marshal, is that correct?

21 A: Say that one more time.

22 Q: The first phone call that you get that day
23 on 12/31/05 with respect to John Doe HM is this phone
24 call that you get from Crystal Marshal, is that
25 right?

1 A: Correct.

2 Q: What's the next thing you do, sir?

3 A: Well, I tell Mark. Mark was standing
4 right next to me.

5 Q: So Mark Doe?

6 A: Yes.

7 Q: And what do you tell him?

8 A: I was staying with Mark. I was staying at
9 his condo. Obviously, after the phone call, I
10 explained to him that you know, I just got a phone
11 call from Crystal and this is what's going on. That
12 kind of set the wheels in motion.

13 Q: And she had called you before -- prior to
14 this day, you talked to each other on the phone?

15 A: Sure.

16 Q: So you tell Mark -- you explained to him
17 what she tells you, and you say to Mark what exactly,
18 if you can remember?

19 A: I can't be exact.

20 Q: Do you tell him that she's distressed?

21 A: Sure. I mean, there was definitely
22 conversation about Crystal being upset.

23 Q: Do you tell him that she talks about the
24 suicide note?

25 A: Yes.

1 Q: Do you tell Mark that she's -- that
2 Crystal Marshal says John Doe HM is suicidal?

3 A: Yes.

4 Q: Is there anything else you tell him that
5 you can remember?

6 A: It was so long ago.

7 Q: I know.

8 A: That's really the only thing. I mean --

9 Q: And I appreciate you -- I know it's hard
10 to remember everything, and I appreciate you trying.
11 How did you feel after Crystal Marshal told you this?

12 A: Scared.

13 Q: Okay. And how -- what was Mark's
14 reaction?

15 A: I mean, I'm sure equally -- you know, his
16 reaction was obviously surprised and I guess
17 shocked.

18 Q: What's the next thing either of you do,
19 either you or Mark?

20 A: I believe Mark called Shelly.

21 Q: And are you there while he's talking to
22 Shelly?

23 A: Yeah. Actually, I think we tried calling
24 John Doe HM first.

25 Q: Who tried, sir?

1 A: I did.

2 Q: Okay.

3 A: But his phone -- it kept going straight to
4 voice mail.

5 Q: Okay.

6 A: That's why --

7 Q: Can I ask you -- do you remember what time
8 this was during the day?

9 A: It was bright outside. I remember it
10 being bright and hot.

11 Q: Isn't that Arizona all of the time?

12 A: Yes.

13 Q: Was it in the morning? Was it in the
14 afternoon?

15 A: I would say it was early afternoon, if I
16 had to guess.

17 Q: Okay. Early afternoon Arizona time or
18 early afternoon St. Louis time?

19 A: Probably Arizona time.

20 Q: Okay. And Arizona is how many hours
21 behind St. Louis?

22 A: I don't remember. I thought it was just
23 one, but I can't remember.

24 Q: Okay. So you try to call John Doe HM.
25 Does Mark try to call John Doe HM?

1 A: I don't believe so.

2 Q: And you said Mark calls Shelly?

3 A: Yes.

4 Q: Are you present for that conversation?

5 A: Yes.

6 Q: What does Mark tell Shelly?

7 A: He explains to her that I just received a
8 phone call from Crystal in regards to John Doe HM
9 possibly hurting himself.

10 Q: So you said -- and if I'm incorrect,
11 please correct me. So Mark tells Shelly -- he
12 explains that you just spoke to Crystal Marshal. Do
13 they know Crystal Marshal, Mark and Shelly?

14 A: I don't know.

15 Q: Okay. He talks about John Doe HM hurting
16 himself. He tells Shelly that -- you tell me what he
17 tells Shelly.

18 A: He explains to Shelly that I, Shawn, just
19 received a phone call from Crystal explaining to me
20 that she is under the impression that John Doe HM is
21 going to hurt himself.

22 Q: Anything else he tells Shelly that you
23 remember?

24 A: Not that I remember.

25 Q: So what's the next thing that happens that

1 you know?

2 A: I mean, pretty much after that I didn't
3 really know what was going on until after I heard
4 about it weeks later.

5 Q: So after this phone call from Mark to
6 Shelly, there's nothing else you find out about with
7 respect to John Doe HM for weeks?

8 A: Yeah. I mean, it wasn't the same day. It
9 was later on. It was not on December 31st.

10 Q: So with respect to December 31st, this is
11 everything that happens that day that has to do with
12 Crystal Marshal, John Doe HM, and his going to
13 St. Anthony's? Is that everything that you know for
14 that day?

15 MS. RANGLES: You mean that he knew at the
16 time?

17 MS. VON KAENEL: Yeah, at the time.

18 A: I mean, that's --

19 Q: (By Ms. Von Kaenel) And I know you find
20 out more later.

21 A: Right. That's --

22 Q: I'm just trying to get to that day.

23 A: Right. I'm just trying to separate what I
24 found out later from that day, because --

25 Q: And I appreciate that.

1 A: -- typically -- you know, after -- I mean,
2 Mark and Shelly pretty much took over from there. So
3 I -- it was -- unfortunately, since I was in Arizona,
4 there wasn't a whole lot I could do for John Doe HM.

5 Q: Do you know what Mark and Shelly did to --
6 you said they took over from there. Do you know what
7 they did?

8 A: They were just very assertive as far as
9 trying to find him. They wanted to obviously look
10 out for his best interests and make sure that -- you
11 know, we were all led to believe that he was out to
12 hurt himself. So everybody was doing everything they
13 could to find him and give him any type of help that
14 he needed.

15 Q: So Mark and Shelly did most of the -- did
16 all of the phone calling -- you didn't make anymore
17 phone calls with respect to this that day?

18 A: No.

19 Q: Do you remember if you made any the next
20 day? It would be New Year's Day.

21 A: Not to my knowledge. I mean, not that I
22 can remember.

23 Q: All right. So you then -- what did you
24 learn about what happened on 12/31/05? When did you
25 learn that?

1 A: I don't have the exact date.

2 Q: A couple days later or a couple weeks
3 later?

4 A: Yeah, I would say around a week or two
5 later. Obviously I'm -- because of this I'm finding
6 out even more stuff.

7 Q: So about a week or two later you find out
8 more information about what happened that day, is
9 that right?

10 A: That sounds about right.

11 Q: You tell me what you found out.

12 A: Well, I found out that he went to
13 St. Anthony's. I didn't find out that day. I found
14 out that he and Crystal were actually broken up,
15 which I did not know. I found out that that was
16 never his intent whatsoever to hurt himself or harm
17 himself in any way, shape, or form.

18 Q: And why don't we start with the first
19 thing you told me. You found out he went to
20 St. Anthony's?

21 A: Yes.

22 Q: What did you find out about that
23 particular detail?

24 A: Just that he was admitted to
25 St. Anthony's.

1 Q: Nothing else?

2 A: No.

3 Q: Who told you that?

4 A: I honestly believe that I overheard it in
5 a conversation. It wasn't actually directly spoken
6 to me about it.

7 Q: Did you -- have you subsequently had any
8 conversations with anybody with respect to his
9 admission to St. Anthony's?

10 A: No.

11 Q: So you haven't talked to John Doe HM about
12 it?

13 A: No.

14 Q: You haven't talked to your mom about it?

15 A: No. I mean, other than the fact that he
16 was admitted to St. Anthony's, that's it.

17 Q: That's all you know?

18 A: Yes.

19 Q: Is there anything else you -- I know we
20 talked about St. Anthony's. Do you know anything
21 with respect to either Hyland Center or anything else
22 that happened on 12/31/05 with respect to John Doe
23 HM?

24 A: No.

25 Q: So you said you found out that John Doe HM

1 and Crystal were broken up. Who did you find that
2 out from?

3 A: That I don't know.

4 Q: Okay. And then you found out that he had
5 no -- you said he had no intention to hurt himself.
6 Who did you find that out from?

7 A: The first person I found that out from, I
8 believe -- I'm pretty sure Mark was the first
9 person.

10 Q: What did he say?

11 A: Well, we were all pretty surprised just
12 by -- you know, when you're told that a family member
13 has written a note of suicidal tendencies, your first
14 inclination is worry and okay, how can we help them.
15 But if you know John Doe HM like our family knows
16 John Doe HM, it was even a bigger surprise because
17 John Doe HM doesn't -- he's not that way. He's
18 not -- he wouldn't -- it's just very, very out of
19 character.

20 Q: Meaning that's not what he did -- he
21 never -- he never said that to you?

22 A: Oh, my gosh, no.

23 Q: Okay. So that's why it was out of
24 character?

25 A: Yeah. It was just very odd.

1 MS. RANGLES: Objection. That
2 mischaracterizes his testimony and puts words in his
3 mouth.

4 Q: (By Ms. Von Kaenel) So who did you -- you
5 said you found that out from Mark. Did you find that
6 out from anybody else, sir?

7 A: I believe the first person I heard it from
8 was Mark, and then my mother also explained it to me.

9 Q: What did she explain to you? This is
10 Cindy Hibbard, correct?

11 A: Correct. Just what had happened. Just
12 the circumstances.

13 Q: What did she tell you, if you remember?

14 A: In regards to which part?

15 Q: In regards to either -- any about John Doe
16 HM and this incident.

17 A: Just that he was admitted to
18 St. Anthony's. I'm trying to think. I mean, that
19 was all -- I mean, it was just basic conversation of
20 everyone trying to catch up on what was going on. So
21 I really don't know who said what first.

22 Q: Well, I guess I just want to know what you
23 know and who said it to you.

24 A: Yeah. I mean, it's --

25 Q: So as best you can, sir.

1 A: So in conversation -- in regards to him
2 being admitted to St. Anthony's, I heard it from
3 Mark. I heard my mother talking about it. I've
4 heard -- but typically, it was all indirect
5 conversation.

6 Q: Did you ever talk to John Doe HM about
7 it?

8 A: No.

9 Q: Why not?

10 A: That's not like John Doe HM. He just
11 doesn't talk about things like that.

12 Q: Okay.

13 A: It's his own personal life, and he keeps
14 it separate.

15 Q: So you guys don't talk about very personal
16 things?

17 A: Well, sure.

18 Q: Well, I'm just trying to get an
19 understanding.

20 A: Sure, we talk about personal things.

21 Q: But you just didn't talk about this
22 personal thing?

23 A: Correct.

24 Q: Okay. You stated that you found out about
25 his being at St. Anthony's from Mark, from Cindy, and

1 from indirect conversations. Was it all with family,
2 those indirect conversations?

3 A: Yes.

4 Q: Anybody else outside of the family?

5 A: No.

6 Q: Did you ever talk to his wife?

7 A: No.

8 Q: Where were you the next day, 1/1/06? Were
9 you still in Arizona?

10 A: Yes.

11 Q: And what -- is that the only conversation
12 you had with Crystal Marshal on 12/31/05 is the
13 conversation you just described for us?

14 A: I believe so. I'm not 100 percent
15 positive, though.

16 Q: Do you remember having another
17 conversation with Crystal Marshal?

18 A: I do not.

19 Q: So after this conversation where she
20 describes a suicide note and you stated -- you
21 described her as being distressed, you had no other
22 conversations with her?

23 A: I don't remember. I don't recall.

24 Q: Okay. So that would have been your last
25 conversation you had with her, to your memory?

1 A: I don't remember.

2 Q: Okay. Did you ever see her -- not talk to
3 her on the phone, but did you ever see her socially
4 after that?

5 A: No.

6 Q: Did you ever see her not socially? Did
7 you ever see her at all?

8 A: No.

9 Q: Did you come to find out that John Doe HM
10 was terminated by the Creve Coeur Police Department?

11 A: Yes.

12 Q: Who did you find that out from?

13 A: I believe from John Doe HM.

14 Q: What did he say about it?

15 A: I remember him being upset that he lost
16 his job over this whole -- obviously this whole
17 issue, this whole circumstance, this whole situation.

18 Q: Did he say anything else other than he was
19 upset about losing his job? Do you remember anything
20 specifically that he said?

21 A: I remember him being upset that it was out
22 of his control as to how he lost his job.

23 Q: What do you -- do you know what -- did he
24 elaborate on that?

25 A: Well, being that it wasn't something that

1 he was directly responsible for, he felt -- I don't
2 know how he felt because I don't know how John Doe HM
3 was feeling, but if I was in his shoes, I would have
4 felt totally ripped off.

5 Q: What did he tell you he felt?

6 A: Well, he was upset. He took a lot of
7 pride in being an officer.

8 Q: Did he tell you about -- did he talk to
9 you about Chief Beardsly, his boss at the time?

10 A: No.

11 Q: Did he talk to you about the St. Louis
12 County Police Officers that took him to
13 St. Anthony's?

14 A: No.

15 Q: Did he talk to you about his actual stay
16 either in St. Anthony's, the emergency room, or in
17 Hyland? Did he talk about that?

18 A: No.

19 Q: No?

20 A: No.

21 Q: Is that everything that he told you about
22 him losing his job?

23 A: As far as I can remember.

24 Q: Okay. Are you familiar with John Doe HM's
25 employment after Creve Coeur? Do you know where he

1 worked after he was terminated from Creve Coeur?

2 A: No. I'm trying to think. No.

3 Q: Do you know if he's employed now?

4 A: I don't know. Is that bad?

5 Q: Have you had any conversations with
6 anybody with St. Louis County with respect to these
7 events? Any conversations with any police officers?

8 A: No.

9 Q: Did you have any conversations with
10 anybody connected to Creve Coeur with respect to
11 these events?

12 A: No.

13 Q: When is the last time you talked to
14 someone about these events of 12/31 of '05 and 1/1 of
15 '06?

16 A: The last time?

17 Q: Yes.

18 A: I have no idea.

19 Q: And other than talking to John Doe HM
20 about his termination -- and that came out of these
21 events. For purposes of the question, that's part of
22 the events. The events are essentially 12/31/05,
23 1/1/06, and then, for the record, I'll tell you he
24 was terminated on 1/4/06. We'll call that the
25 incident. So you've talked about talking to John Doe

1 HM and John Doe HM losing his job. Is there anything
2 else with respect to these events that you've talked
3 to John Doe HM about?

4 A: I mean, not that I really can recall. It
5 was kind of -- the whole situation is kind of one of
6 those things that no one really wants to talk about.

7 Q: I understand. And when was -- when was
8 the last time you talked to him about this?

9 A: It had to be sometime around then.

10 Q: So the last time you talked to John Doe HM
11 about this was in 2006?

12 A: About what?

13 Q: About any part of these events?

14 A: Yeah. I mean, there might have been
15 conversation as far as -- more recent conversation as
16 far as him wanting -- you know, wishing that he could
17 still be an officer. Other than that -- I mean, this
18 is kind of something that I think everyone wants to
19 forget about.

20 Q: Did you have any conversations with him
21 about Crystal Marshal?

22 A: No.

23 Q: Any conversations with him about Crystal
24 Marshal after these events?

25 A: Not that I recall.

1 Q: Okay. Did you talk to anybody else with
2 respect to John Doe HM's termination other than with
3 John Doe HM?

4 A: No.

5 Q: So you haven't talked to your mother about
6 it --

7 A: No.

8 Q: -- or your father or your sister?

9 A: No.

10 Q: What about with Mark or Michael Doe?

11 A: No, just John Doe HM.

12 Q: Okay. And are you familiar with -- are
13 you familiar at the time -- I'm going to take you
14 back to 12/31/05. Are you familiar with what
15 telephone number your mother had other than her land
16 line? Did she have a cell phone at that time?

17 A: Yeah. I want to say it's the same
18 number. It's (314) --

19 Q: You mean her land line?

20 A: No, her cell phone.

21 Q: Oh, her cell phone. Okay.

22 A: -- 956-0044, I believe.

23 Q: Do you remember your dad's?

24 A: Not off the top of my head.

25 Q: Are you familiar with Mark Doe's cell

1 phone number?

2 A: No.

3 Q: How about his land line?

4 A: No.

5 Q: Are you familiar with Michael Doe's cell
6 phone number or land line?

7 A: No. It's a digital age. It's all
8 stored.

9 Q: Yeah, I understand that. Well, is it in
10 your phone today?

11 A: No. Otherwise, I would get it for you.

12 Q: So you don't keep Mark Doe and Michael
13 Doe's phone numbers in your cell phone?

14 A: No.

15 Q: You don't keep Paul Hibbard's cell phone
16 number in your phone?

17 A: No. Just my mom's.

18 Q: That's a trim list.

19 A: My dad doesn't turn his phone on unless he
20 has to use it, so --

21 Q: Okay. And just to recap, you have not had
22 another conversation or met with Crystal Marshal
23 since that conversation you had with her on
24 12/31/2005?

25 A: Yeah, all of that day -- I don't believe

1 that we spoke after that, after 12/31.

2 MS. VON KAENEL: I'm going to just take a
3 break, if you don't mind, and then I'll be right with
4 you.

5 (A short break was taken.)

6 Q: (By Ms. Von Kaenel) Okay. Are you
7 familiar with John Doe HM going to Arizona while you
8 were there?

9 A: Yes.

10 Q: When did he show up in Arizona?

11 A: I was trying to think of that. It was
12 after the incident.

13 Q: Do you remember how much after the
14 incident?

15 A: I want to say a few days afterwards --

16 Q: Okay.

17 A: -- he showed up.

18 Q: Was he expected to come to Arizona?
19 Before the incident, was he planning on going out to
20 Arizona, as far as you know?

21 A: Not that I know of.

22 Q: So his time in Arizona overlapped with
23 your time in Arizona?

24 A: I believe he came the day that I was
25 leaving, if I remember correctly. I had to get

1 back. So maybe a day, but I don't remember exactly.

2 Q: When he got there, did he talk about what
3 had happened to him?

4 A: Not directly with me.

5 Q: Who did he talk to?

6 A: I want to say mostly with Mark and
7 Shelly.

8 Q: Did you overhear their conversation?

9 A: I did not.

10 Q: Was your -- Ed Doe, is he your
11 grandfather?

12 A: Yes.

13 Q: Was he ill at the time?

14 A: I don't remember if it was then or not.

15 Q: Okay. After 1/1/06 -- so New Year's
16 Day -- what, if anything, do you know about John Doe
17 HM and Crystal Marshal's relationship?

18 A: I mean, nothing concrete. I mean, nothing
19 that wasn't assumed.

20 Q: Well, what was assumed?

21 A: I assumed that they were then broken up
22 after everything that had gone on.

23 Q: So it's your impression that they're
24 broken up after 1/1/06?

25 A: Yeah, I would think so.

1 Q: And why would you think that they were
2 broken up?

3 A: I wouldn't be with somebody that --

4 Q: Elaborate.

5 A: Me personally, I wouldn't stick around
6 with somebody that is going to cause that kind of
7 chaos if they don't -- if it was false.

8 Q: And is that what your understanding is,
9 that she caused chaos?

10 A: I mean, that's what happened.

11 Q: Well, why don't you elaborate on that? I
12 don't understand.

13 A: Well, everything was fine. Nothing would
14 have been -- I mean, when somebody calls you and
15 explains to you that one of your family members is
16 considering suicide, that, to me, is chaos.
17 Obviously everything that ensued afterwards I wasn't
18 a main part of, other than the initial phone call.
19 Yeah, to me, I would call that instigating chaos for
20 sure.

21 Q: So do you see it as her fault that this
22 happened?

23 A: Well, no one else found a suicide note.
24 No one else claimed to have anything along those
25 lines. Everything was fine until this phone call

1 happened.

2 Q: So have other people blamed her?

3 A: Sure.

4 Q: Who is that?

5 A: Family.

6 Q: Well, give me their names, please.

7 A: I can't actually do that because I don't
8 know who actually feels that she is 100 percent
9 responsible for it.

10 Q: Who told you that they think she has some
11 responsibility?

12 A: Nobody told me directly.

13 Q: All right. How did you find out
14 indirectly? How would you have found out? Like did
15 your mom say something that Crystal had something to
16 do with this or it was Crystal's fault?

17 A: Well, sure. I mean, everyone was talking
18 about how Crystal had something to do with it.

19 Q: So Cindy Hibbard was one?

20 A: Yeah. And Shelly and Mark. These are all
21 just people throughout conversation that I obviously
22 overheard.

23 Q: I understand that. Anybody else? Your
24 father?

25 A: No.

1 Q: Lisa Doe?

2 A: I didn't really speak with her.

3 Q: Were you aware that she called 911?

4 A: After the incident.

5 Q: And what did you hear about that?

6 A: Just that she did.

7 Q: Do you know how she came to call 911?

8 A: No.

9 Q: Okay. So you don't know what made her
10 call 911?

11 A: No, I don't.

12 Q: Do you suspect or do you have an inkling
13 of what had caused her to call 911?

14 A: Yeah. Finding out that John Doe HM was
15 going to harm himself.

16 Q: Who do you think she found that out from?

17 A: I want to say Shelly.

18 Q: Okay.

19 A: Yeah, it was Shelly.

20 Q: Did Shelly tell you that she called Lisa?

21 A: No. I was there when Shelly called Lisa.

22 Q: What do you remember Shelly telling Lisa?

23 A: Just along the lines of, you know, whether
24 or not this is true, we need to make sure that John
25 Doe HM is okay. Being that we couldn't get a hold of

1 John Doe HM, we were worried.

2 Q: Sure. And what else -- if you remember,
3 what else may Shelly have told Lisa?

4 A: I can't say for sure anything.

5 Q: Okay. Do you remember if Shelly relayed
6 to Lisa say that there was a suicide note or that
7 Crystal Marshal called or any of those facts?

8 A: Not off the top of my head.

9 Q: Okay. And was Shelly concerned?

10 A: Yes.

11 Q: And how do you know that?

12 A: Well, obviously, she was taking all the
13 necessary steps to try to track down John Doe HM.

14 Q: Did she say she was worried?

15 A: Well, sure.

16 Q: Okay. So I have Mark and Shelly -- Mark
17 calling Shelly about this.

18 A: Yes.

19 Q: Then Shelly calling Lisa about your
20 conversation with Crystal Marshal. Did Ed Doe make
21 any phone calls with respect to his son?

22 A: I don't think so.

23 Q: Okay.

24 A: I think we were trying to keep him kind of
25 out of the loop. I don't think we really wanted to

1 worry him with it too much.

2 Q: You told me you had a conversation with --
3 did you have a conversation with your mother that
4 day?

5 A: No.

6 Q: Did you have any conversation with your
7 mother the next day?

8 A: Possibly. I mean, I did talk to her. It
9 might have been that day. I just don't know.

10 Q: Do you remember what you told your mom
11 about this? This is Cindy Hibbard, right?

12 A: Correct. No, I really don't.

13 Q: Did you tell her that Crystal Marshal
14 called you with a suicide note? Did you recap those
15 facts to her?

16 A: I'm not sure if I did to my mother.

17 Q: Did you talk to your father about it?

18 A: No.

19 Q: Have you described to me everybody that
20 you talked to with respect to this incident? In this
21 deposition today, have you described everybody that
22 you know you talked to that day?

23 A: Yes.

24 Q: And have you described to me every
25 conversation that you were either a witness to or you

1 heard about with respect to the incidents that we're
2 talking about?

3 A: To the best of my knowledge.

4 Q: And do you know who Steve Nelke is?

5 A: No.

6 Q: Do you know who Paul Horning is?

7 A: No.

8 Q: Okay. Do you know who Tom Rich is?

9 A: No.

10 Q: Do you know who Kathy Rensing is?

11 A: That sounds familiar, but no.

12 Q: Okay. Do you know who Steve DeGhelder is?

13 A: No.

14 Q: Have you talked to -- do you know who John

15 Doe HM's friends or pals were at the time during

16 12/31/05? Do you remember who his friends were?

17 A: Not really. Me.

18 Q: Anybody else?

19 A: No, not off the top of my head.

20 Q: Did you ever hang out with any of John Doe

21 HM's friends?

22 A: Ron Coleman.

23 Q: So what do you know about Ron Coleman?

24 A: He's an interesting man.

25 Q: Yes. Well, tell me what makes him

1 interesting.

2 A: He's a good guy.

3 Q: What makes him interesting?

4 A: He's eccentric.

5 Q: What else do you know about him?

6 A: He has been a long, long, long time
7 friend.

8 Q: Of John Doe HM's?

9 A: Yes.

10 Q: Do you know, were they friends on
11 12/31/05?

12 A: Yes.

13 Q: Did they ever live together?

14 A: I believe they did, actually.

15 Q: When did they live together?

16 A: That I don't know.

17 Q: Okay. Do you remember what Ron Coleman
18 did for a living?

19 A: I don't recall.

20 Q: Did you and John Doe HM and Ron Coleman
21 hang out sometimes?

22 A: Every once in a while, sure.

23 MS. VON KAENEL: Okay. I don't have any
24 questions. She now has a chance to ask you some
25 questions.

1 MS. RANGLES: I just have a couple of
2 follow-ups.

3 EXAMINATION

4 BY MS. RANGLES:

5 Q: Shawn, do you remember on 12/31/05, after
6 you received the call from Crystal Marshal, did she
7 blow up your phone after that?

8 A: As in calling it non-stop? As in like
9 repeated phone calls?

10 Q: Yeah. Did she repeatedly call you after
11 that?

12 A: Yeah, as far as I remember.

13 Q: And you didn't talk to her?

14 A: No. I remember trying to avoid her
15 calls.

16 Q: Now, at some time did you have a
17 conversation with Mark questioning Crystal Marshal?

18 A: I'm sorry?

19 Q: I said at some time did you have a
20 conversation with Mark where you were questioning the
21 voracity of what Crystal Marshal told you?

22 A: Yes.

23 Q: When did that occur?

24 A: That day.

25 Q: Later in the afternoon?

1 A: Yeah. It was after everything had already
2 been instigated.

3 Q: And did you come to the belief then that
4 she was obsessed with John Doe HM?

5 A: Yes.

6 Q: Did you believe that the obsession caused
7 her to make a false allegation concerning him?

8 A: I definitely believe it to be a good
9 possibility.

10 MS. RANGLES: I have nothing else.

11 FURTHER EXAMINATION

12 BY MS. VON KEANEL:

13 Q: I'm going to follow up on some things she
14 asked you. You said she -- after she talked to you
15 the first time on that day, you said she made
16 repeated phone calls to you?

17 A: Yeah.

18 Q: And you didn't answer any of those phone
19 calls?

20 A: Correct.

21 Q: Does making repeated phone calls make
22 someone obsessed?

23 A: In what regard?

24 Q: Well, you said -- she asked you a question
25 about being obsessed. So I'm wondering does making

1 repeated phone about someone make someone obsessed?

2 A: Yeah, but she was making repeated phone
3 calls to me, not John Doe HM. She was obsessed about
4 John Doe HM, not me.

5 Q: So that's what you equate as her being
6 obsessed with John Doe HM?

7 A: No.

8 Q: Well, what do you use as a basis of your
9 saying that she was obsessed with John Doe HM?

10 A: That she was very -- she had to know where
11 he was at all times. She had to know who he was with
12 at all times.

13 Q: And how do you know that?

14 A: Because she would ask me.

15 Q: When is that?

16 A: Prior to the incident.

17 Q: All right. So you had other conversations
18 with her prior to the incident where she said she
19 wants to know where he was?

20 A: Yeah. That's what our conversations --
21 when she could call me, it was in regards to the fact
22 that she couldn't get ahold of John Doe HM and she
23 needed to find him. And it was always an elaborate
24 story.

25 Q: What do you mean?

1 A: It was always -- I cannot remember her
2 son's name?

3 Q: Austin?

4 A: Yes. Thank you. Stuff that had happened
5 with Austin and she needs his help and everything
6 else.

7 Q: Did you know Austin to not be well? Do
8 you know if Austin had any problems?

9 A: No, not that I know of.

10 Q: Okay.

11 A: But it just seemed that any time -- there
12 seemed to be some type of elaborate story along those
13 lines in order to get John Doe HM to run to her aid.

14 Q: Do you know if any of those stories were
15 not true?

16 A: Yes.

17 Q: How do you know that?

18 A: Because John Doe HM explained them to me.
19 When I would talk to him a day or two later and
20 asking hey, is Austin okay, he would say there was
21 never anything wrong to begin with.

22 Q: Okay. And did this happen on more than
23 one occasion?

24 A: Yes.

25 Q: And did John Doe HM go to her on more than

1 one occasion?

2 A: Yes.

3 Q: Anything else to your knowledge as to why
4 you would describe her as being obsessed with John
5 Doe HM?

6 A: Nothing I can really think of off the top
7 of my head.

8 Q: Do you know if she loved him?

9 A: I don't know that.

10 Q: Do you know if he loved her?

11 A: I do not know that either.

12 Q: And then you state -- you described a
13 conversation you had with Mark with respect to
14 Crystal Marshal, which you haven't told me before.
15 Can you talk to me a little bit about this
16 conversation you had with Mark with respect to
17 Crystal Marshal?

18 A: What do you mean?

19 Q: Well, you said you had a conversation
20 later in the afternoon -- and you correct me if I'm
21 wrong. This is when Ms. Randles was questioning
22 you. Later in the afternoon you had a conversation
23 with Mark about Crystal Marshal, is that right?

24 A: Sure.

25 Q: Okay. What was that conversation about?

1 A: I couldn't really tell you everything it
2 was about. I don't really know.

3 Q: Tell me what you remember.

4 A: I think Mark was just asking me -- I'm
5 drawing a blank. I can't really say.

6 Q: Well, do you remember what you said about
7 Crystal Marshal?

8 A: I mean, not exactly.

9 Q: Well, give me generally what you said. It
10 doesn't have to be exactly, sir.

11 A: I'm trying to remember, and I really can't
12 as far as --

13 Q: Well, why don't you tell me how long
14 after -- do you know when you had this conversation
15 with Mark about Crystal Marshal?

16 A: It had to have been after the incident.

17 Q: You said after everything, meaning after
18 John Doe HM was taken to the hospital?

19 A: I don't know what time he was taken to the
20 hospital. It was after the initial phone call. It
21 was that evening. It was New Year's Eve.

22 Q: Who was present for that conversation?

23 A: It was just Mark and I.

24 Q: Okay. And Ms. Randles' words were you
25 questioned the voracity of Crystal Marshal. Is that

1 what you said?

2 A: I don't even know what voracity means.

3 Q: Well, the truth or her ability to tell the
4 truth. Is that what you guys were talking about?

5 A: Sure. Yeah, the reliability of what she
6 was saying.

7 Q: What generally were you saying about that?

8 A: Just that -- well, one, it's hard to
9 believe that John Doe HM would, in fact, do anything
10 along those lines. And two, Crystal isn't exactly
11 the most -- I don't want to say she's dishonest, but
12 she wasn't exactly honest at times, though, either.
13 She tended to be somewhat manipulative.

14 Q: Anything else you would talk about with
15 respect to Crystal Marshal? Anything else that was
16 said that you remember?

17 A: No. I mean, nothing really.

18 Q: So this occurs sometime the evening of
19 12/31/05, is that right?

20 A: Yes.

21 Q: Are there any other conversations that you
22 have with anyone with respect to Crystal Marshal,
23 other than this conversation you had with Mark and
24 other than the conversation you actually had with
25 her?

1 A: On that day?

2 Q: Yes. Or later.

3 A: I don't think so.

4 Q: All right. So there's no one you have a
5 conversation with with respect to Crystal Marshal
6 after 12/31/05, is that right?

7 MS. RANGLES: Objection, mischaracterizes
8 his testimony.

9 Q: (By Ms. Von Kaenel) Well, you tell me.
10 You either -- after 12/31, you had described to me a
11 conversation you have with Mark Doe about Crystal
12 Marshal. Is there anybody else after that
13 conversation or before that conversation -- from the
14 time you talked to Crystal Marshal on, you've
15 described the conversation you had with Mark.
16 Anybody else you talked to about Crystal Marshal?

17 A: Not that I recall.

18 Q: All right. Is John Doe HM the person you
19 find out from that what Crystal Marshal told you was
20 not true? Is that who told you?

21 A: I don't remember who told me. I'm pretty
22 sure it was not John Doe HM, though, but I don't
23 remember exactly who it was. I think it was my
24 mother who told me that there wasn't a letter.

25 Q: Do you remember when she told you that?

1 A: I was home by then. So it was sometime in
2 early January, but I can't give you an exact date.

3 Q: Would it have been before or after John
4 Doe HM came to Arizona?

5 A: I couldn't tell you.

6 Q: Is there anybody else that you remember
7 having a conversation -- you've described your
8 conversation with your -- all of your conversations
9 with respect to Crystal Marshal. Is there anybody
10 else you remember having a conversation with about
11 Crystal Marshal while you were in Arizona?

12 A: Not that I can remember.

13 Q: Do you remember Mark and Shelly talking
14 about Crystal Marshal?

15 A: Not really, because they didn't really
16 know her.

17 Q: Anybody else talk about her that you can
18 recall after you were in Arizona, other than what you
19 said your mother said she talked to you about?

20 A: I mean, I know her name would come up in
21 conversation when I would hear my mother on the
22 phone. I'm not really sure what exactly they were
23 talking about, though.

24 Q: Just to recap, do you have any -- do you
25 remember any conversations -- have you had any

1 conversations with John Doe HM about Crystal
2 Marshal? Have you told me every conversation you've
3 had with him about her from the incidents on 12/31
4 on?

5 A: Yeah. I mean, other than small little
6 conversations.

7 Q: Like what?

8 A: Like I really messed up with that whole
9 situation as far as getting involved. He would talk
10 about how much he's lost because of it.

11 Q: So he blamed her?

12 A: He holds her partly responsible, sure.

13 Q: Anything else he said about her?

14 A: No. It's just very, very vague
15 conversation.

16 Q: Did he ever talk to you -- prior to the
17 incident -- so incidents around 12/31/05 -- did he
18 ever talk to you before then about Crystal Marshal's
19 voracity?

20 A: Yes.

21 Q: What did he say about that?

22 A: That he doesn't ever know what to believe
23 with her anymore. I'm trying to remember the
24 incident and how it came about. I can't remember.

25 Q: Just to put a date -- this is before

1 12/31/05?

2 A: Yes.

3 Q: And this is a conversation he has directly
4 with you?

5 A: Sure.

6 Q: Okay. You don't remember?

7 A: No.

8 Q: So at one point he tells you he doesn't
9 know when to believe her or what to believe?

10 A: Yeah. It had something to do with
11 Austin's father. You know, she had John Doe HM
12 believing one thing, and I don't know if she was
13 doing it to get sympathy or why she was doing it.
14 Obviously, John Doe HM, I guess, found out the truth
15 down the road, and he was just like why -- you know,
16 he was just talking to me. He was just talking to me
17 about why would you lie about something so simple.
18 So he was just kind of questioning the whole idea. I
19 mean, she's lying to me about something this
20 simple -- or this small, so what else is she -- you
21 know, is she trustworthy, basically, is what he was
22 coming to the conclusion of. But I can't remember
23 exactly all of the details.

24 Q: Do you think it was before Christmas or
25 after Christmas?

1 A: It was before Christmas.

2 Q: Do you remember if it was before
3 Thanksgiving?

4 A: I would say it was before Thanksgiving.

5 Q: So this is conversation that you had with
6 him a couple of months before the incidents?

7 A: Yes.

8 Q: Much before Thanksgiving?

9 A: It was around that time.

10 Q: Do you remember spending Thanksgiving with
11 her -- or do you remember if she spent Thanksgiving
12 with John Doe HM?

13 A: I don't remember.

14 Q: Is that every conversation you had with
15 John Doe HM with respect to her voracity?

16 A: Yeah. That I can remember off the top of
17 my head.

18 Q: Is that every conversation you had with
19 John Doe HM or anyone else with respect to Crystal
20 Marshal making a false allegation with respect to the
21 incidents that are involved in this lawsuit?

22 A: Say that again.

23 Q: The last thing you told -- the last
24 conversation with Ms. Randles was -- the last
25 question was -- the question was -- and I'm going to

1 paraphrase it. It had to do with Crystal Marshal
2 making a false allegation with respect to these
3 incidents.

4 A: Yes.

5 Q: Have you described every conversation with
6 respect to Crystal Marshal making a false allegation
7 that you know of or that you've been part of?

8 A: Yeah, to the best of my knowledge.

9 MS. VON KAENEL: I have nothing else.

10 MS. RANGLES: I have nothing further
11 either.

12 Shawn, you have the right to read your
13 deposition and sign it. You can read it to make sure
14 that the court reporter has gotten down everything
15 that you've said. Do you want to read and sign?

16 THE WITNESS: I don't know.

17 MS. RANGLES: Okay. Usually the court
18 reporters get everything down just right, but
19 sometimes it's a good idea just to look it over. So
20 if you would like to do that, I'll just have the
21 deposition sent here and then send you a copy of the
22 deposition so you can look at it and make sure it's
23 accurate?

24 THE WITNESS: That's fine.

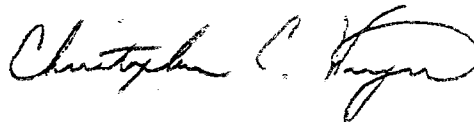
25 MS. RANGLES: Okay.

1 MS. VON KEANEL: Okay. That's all.
2 (Wherein, the taking of the deposition
3 concluded.)
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CERTIFICATE

I, Christopher C. Wieggers, Certified Court Reporter, DO HEREBY CERTIFY that pursuant to agreement between the parties, the aforementioned witness came before me at the time and place hereinbefore mentioned, and having been duly sworn to tell the whole truth of his knowledge touching upon the matter in controversy aforesaid; that he was examined on the day, and his examination was taken in shorthand and later reduced to printing; that signature by the witness is reserved and said deposition is herewith forwarded to the taking attorney for filing with the Court.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 13th day of May, 2009.



Christopher C. Wieggers

1 Gore Perry Gateway & Lipa Reporting

2
3
4 RANGLES, MATA & BROWN, LLC

5 Rebecca M. Randles, Esq.

6 406 West 34th Street, Suite 623

7 Kansas City, Missouri 64111

8
9 Enclosed please find the Original Signature pages

10 and errata sheets for the deposition of:

11 Shawn Hibbard taken 5/4/2009 in the case of:

12 John Doe HM vs. City of Creve Coeur, et al.

13 Please read your copy of the transcript, noting

14 any corrections on the enclosed erratta sheets,

15 and return all pages for filing in court to:

16 OFFICE OF THE COUNTY COUNSELOR

17 Lorena Merklin Von Kaenel, Esq.

18 41 South Central, 9th Floor

19 Your prompt cooperation will be appreciated.

20 Sincerely,

21
22 Gore Perry Gateway & Lipa Reporting

23
24
Gore Perry Gateway Lipa Baker Dunn & Butz
St. Louis 314.241.6750 St. Charles 636.940.0926

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2 Reason for change:

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25

1 Comes now the witness, Shawn Hibbard,
2 and having read the the foregoing transcript
3 of the deposition taken on the 5/4/2009,
4 acknowledges by signature hereto that it is a
5 true and accurate transcript of the testimony given
6 on the date hereinabove mentioned.

7
8
9 _____

10 Shawn Hibbard

11
12 Subscribed and sworn to me before this
13 _____ day of _____, 2009.

14 My Commission expires

15
16
17 _____

18 Notary Public

1 COURT MEMO
2 UNITED STATES DISTRICT COURT
3 EASTERN DISTRICT OF MISSOURI
4 EASTERN DIVISION
5 John Doe HM vs. City of Creve Coeur, et al.
6 4:07-CV-00946-ERW
7

8 CERTIFICATE OF OFFICER AND
9 STATEMENT OF DEPOSITION CHARGES
10

11 DEPOSITION OF SHAWN HIBBARD
12 TAKEN ON BEHALF OF THE PLAINTIFF

13 5/4/2009

14 Name and address of person or firm having custody of
15 the original transcript:

16 Lorena Merklin Von Kaenel

17 County Counselor

18 41 S. Central,

19 Clayton, MO 63105
20
21
22
23
24
25

1 ORIGINAL TRANSCRIPT TAXED IN FAVOR OF:

2 Lorena Merklin Von Kaenel

3 County Counselor

4 41 S. Central,

5 Clayton, MO 63105

6 Total:

7 1 ONE COPY - TAXED IN FAVOR OF:

8 Rebecca M. Randles

9 Randles, Mata & Brown, L.L.C.

10 406 West 34th Street,

11 Kansas City, MO 64111

12 Total:

13

14 Upon delivery of transcripts, the above
15 charges had not been paid. It is anticipated
16 that all charges will be paid in the normal course
17 of business.

18 GORE PERRY GATEWAY & LIPA REPORTING COMPANY

19 515 Olive Street, Suite 700

20 St. Louis, Missouri 63101

21 IN WITNESS WHEREOF, I have hereunto set

22 my hand and seal on this _____ day of _____

23 Commission expires

24

25 Notary Public

Christy C. Hays
Gore Perry Gateway Lipa Baker Dunn & Butz
St. Louis 314.241.6750 St. Charles 636.940.0926